

From: Thomas Dyar
To: Microsoft ATR
Date: 1/23/02 10:40am
Subject: Microsoft Settlement

To Whom It May Concern:

As a concerned citizen, university student, and professional software engineer, I believe the proposed settlement between the collective states and Microsoft, Inc. is a bad idea. Although it does seem to address some issues effectively, more emphasis needs to be placed on counterweights that will likely ensure Microsoft's future behavior abides by legal norms and that the goals of a "healthy" software market are achieved.

For example, Microsoft is known for its strategy of "embrace and extend", very recently exhibited in its employment of the industry-standard kerberos open source authentication protocol within its products. Rather than just "playing along" with established standards which have only solidified through many years of work by a wide range of volunteers, university researchers, and individuals at private corporations, Microsoft "extended" the kerberos protocol so that Microsoft-kerberos is slightly different from everybody else's kerberos. Just so nobody is confused about the likely ultimate goal Microsoft was pursuing with this modification, the changes made were kept under Microsoft-held copyright, and make interoperability without Microsoft approval impossible.

In order to prevent this "tinkering" to inhibit ongoing open source work, the settlement should require that Microsoft publish and license ALL API's on a non-discriminatory basis so free access to these API's and standards is available to both Microsoft employees and the open source community. Currently, the settlement only specifies these API's be "disclosed". Compulsory licensing will allow the open source community to implement alternative versions of the published Microsoft API's and go much farther towards a "level playing field".

Thank you for your consideration of my remarks,
Thomas Dyar